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Order Regarding Motion for Sentence Reduction

**UNITED STATES DISTRICT COURT**  
**NORTHERN** \_\_\_\_\_ District of NEW YORK  
**UNITED STATES OF AMERICA** ORDER AND AMENDED JUDGMENT  
 REGARDING MOTION FOR SENTENCE  
 REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

JOSEPH THORPE

Case Number: 1:04-cr-596-001 (DNH)USM Number: 12928-052

Alexander Bunin, Esq.

Defendant's Attorney

Date of Previous Judgment: May 16, 2005  
 (Use Date of Last Amended Judgment if Applicable)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 130 months **is reduced to 110 months**.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 28Amended Offense Level: 26Criminal History Category: VCriminal History Category: VPrevious Guideline Range: 130 to 162 monthsAmended Guideline Range: 110 to 137 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE** The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

 Other (explain): \_\_\_\_\_**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated May 16, 2005 shall remain in effect.

**IT IS SO ORDERED.**April 25, 2008

Order Date

Effective Date (if different from order date)

David N. Hurd  
District Judge
